

City Council Introduction: **Monday**, August 18, 2003  
Public Hearing: **Monday**, August 25, 2003, at **1:30 p.m.**

Bill No. 03R-229

## **FACTSHEET**

**TITLE:** **WAIVER NO. 03000**, requested by Vic and Kathleen Hannan, to waive the requirement for street trees and sidewalks along Pine Lake Road associated with the Hannan Addition Final Plat, on property generally located northeast of the intersection of South 66<sup>th</sup> Street and Pine Lake Road.

**STAFF RECOMMENDATION:** Approval.

**ASSOCIATED REQUESTS:** Change of Zone No. 3385 (03-132) and Final Plat No. 03014, Hannan Addition (03R-230).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 2/19/03  
Administrative Action: 02/19/03

**RECOMMENDATION:** Approval (6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent).

### **FINDINGS OF FACT:**

1. This waiver request and the associated Change of Zone No. 3385 are also associated with an administrative final plat, and were heard at the same time before the Planning Commission. The associated administrative final plat was denied by the Planning Director due to access being shown on Pine Lake Road which had been relinquished with the preliminary plat. Therefore, the associated Hannan Addition Final Plat No. 03014 was brought forward to the Planning Commission. This waiver of design standards and the change of zone request were not scheduled on the City Council agenda, pending resolution of the access issues on the final plat.
2. The staff recommendation to approve the waiver of street trees and sidewalks along Pine Lake Road is based upon the "Analysis" as set forth on p.4, concluding that the existing trees on this property along Pine Lake Road satisfy the requirement for street trees associated with the Hannan Addition final plat. The waiver of sidewalks is appropriate, provided the owner agrees to not oppose the creation of a sidewalk district in the future.
3. The applicant's testimony is found on p.5-7.
4. There was no testimony in opposition.
5. On February 19, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval of the waiver requests (See Minutes, p.7). It was noted that the owner must agree not to object to the creation of a sidewalk district in the future.
6. At the request of the applicant, this waiver and the associated Change of Zone No. 3385 were held and not scheduled on the City Council agenda until the associated final plat came forward.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** August 12, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** August 12, 2003

**REFERENCE NUMBER:** FS\CC\2003\WVR.03000

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

---

**P.A.S.:** Waiver #03000

**DATE:** February 5, 2003

**SCHEDULED PLANNING COMMISSION MEETING:** February 19, 2003

**PROPOSAL:** Request to waive street trees and sidewalks along Pine Lake Road.

**LAND AREA:** Approximately 3.56 acres.

**CONCLUSION:** The existing trees on this property along Pine Lake Road satisfy the requirement for street trees associate with the Hannan Addition administrative final plat. The waiver to sidewalks is appropriate provided the owner agrees to not oppose the creation of a sidewalk district in the future.

<b><u>RECOMMENDATION:</u></b>	Approval
-------------------------------	----------

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Block 1, Country Place 7<sup>th</sup> Addition, Lancaster County, Nebraska.

**LOCATION:** Northeast of the intersection of South 66<sup>th</sup> Street and Pine Lake Road.

**EXISTING ZONING:** AGR Agricultural Residential

**EXISTING LAND USE:** Single-family Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential	AGR
South:	Single-family Residential	AGR
East:	Single-family Residential	AGR
West:	Single-family Residential	AGR

**HISTORY: AFP#88210** - Country Place 7<sup>th</sup> Addition was approved April 7, 1988 creating Lots 1 and 2, Block 1. It re-subdivided Lots 1 and 2, Country Place Addition making Lot 2 slightly larger.

**FP#86502** - Country Place Addition was approved October 21, 1986 creating Lots 1 through 4, Country Place Addition.

**ASSOCIATED APPLICATIONS: AFP#02071** - Hannan Addition, an administrative final plat under review to subdivide Lot 1, Country Place 7<sup>th</sup> Addition into two lots. This plat was submitted on October 3, 2002 and the director's letter was sent to the applicant on October 28, 2002.

**CZ#3385** - A request to change the zoning from AGR to R-1 to allow this property to be subdivided per the Hannan Addition final plat. This application was granted deferral and continued public hearing by the Planning Commission on October 30, 2002 and November 27, 2002, and was placed on pending on December 11, 2002.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

### **Page F15** - Guiding Principles from the Comprehensive Plan Vision

- The One Community Vision: An important relationship exists between the urban, rural and natural landscapes. Urban and rural development maximizes the use of land in order to preserve agriculture and natural resources.

### **Page F17** - Guiding Principles for the Urban Environment

- Overall Form: Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

### **Page F18** - Guiding Principles for the Urban Environment

- Residential Neighborhoods: Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood.

### **Page F24** - Future Land Use Map

- This land is designated as Low Density Residential in the Land Use Plan.

### **Page F27** - Future Land Use Map Implementation

- Low Density Residential: Residential areas ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Such residential developments are often referred to as acreages.

### **Page F103** - Future Functional Classification: City Streets

- This map identifies Pine Lake Road from South 14<sup>th</sup> Street to approximately South 120<sup>th</sup> Street as an Urban/Rural Minor Arterial Street

**UTILITIES:** This area is within the Future Service Limit of the Comprehensive Plan. A connection fee would be required to connect to the 15" public sanitary sewer in Pine Lake Road. There is a 24" water main in Pine Lake Road, however it cannot be tapped to provide service to the proposed Lot 2.

**TRAFFIC ANALYSIS:** Pine Lake Road is classified as a minor arterial adjacent to this site. The Comprehensive Plan states that "This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes" (page F103 - Minor Arterials).

Improvements are scheduled and funds are allocated in the City's Capital Improvement Program (CIP) over the next four years to widen Pine Lake Road to a four lane roadway. As a minor arterial, driveway access onto Pine Lake Road is restricted, and as a result the right of vehicular access was relinquished with the final plat of Country Place 7<sup>th</sup> Addition.

## **ANALYSIS:**

1. This request is associated with a change of zone and final plat for a lot that is part of a larger, residentially-developed area between South 66<sup>th</sup> and South 70<sup>th</sup> Streets, north of Pine Lake Road. Adjacent to the north of this property is Country Meadows, an acreage development that was annexed in April of 1995 to allow the area to be served by municipal sanitary sewer service. Development is low density, single-family residential where the lots are approximately one acre in area or larger.
2. Street trees and sidewalks are improvements required by Title 26 (Land Subdivision) of Lincoln Municipal Code (LMC). The requirements for street trees and a sidewalk along Pine Lake was identified in the review of the final plat of Hannan Addition.
3. City staff have visited the site and inspected the stand of trees along Pine Lake Road on the applicant's property. As noted in the attached review from the Parks and Recreation Department, the existing trees satisfy the requirement from the Subdivision Ordinance and are acceptable.
4. Consistent with the Subdivision Ordinance, a sidewalk is also required along Pine Lake Road adjacent to this property. The Pine Lake Road widening project is scheduled to occur over the next four years, and includes sidewalks. However, it will remove most, if not all existing improvements in Pine Lake Road, including a sidewalk along this property if installed. To avoid having this sidewalk removed in the near future with the street improvement project, a waiver is appropriate provided the owner agrees to not oppose the creation of a sidewalk district in the future as they have stated in the attached letter.

Prepared by:

Brian Will, AICP  
Planner

### **APPLICANT/**

**OWNER:** Vic and Kathleen Hannan  
6900 South 66<sup>th</sup> Street  
Lincoln, NE 68516  
(402) 423-8839

**CONTACT:** Brian Carstens  
601 Old Cheney Road Suite C  
Lincoln, NE 68512  
(402) 434-2424

# **CHANGE OF ZONE NO. 3385 and WAIVER NO. 03000**

## **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 19, 2003

Members present: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn; Krieser, Larson and Steward absent.

Staff recommendation: Deferral of the change of zone and approval of the waiver.

There were no ex parte communications disclosed by the Commissioners.

## **Proponents**

**1. Mark Hunzeker** appeared on behalf of **Vic Hannan**, the owner of the lot which is the subject of this application. The purpose of this change of zone is to divide this 3.5 acre lot into two lots by administrative final plat, one of which would be approximately 2 acres and the other about 1.5 acres. As the staff report indicates, this is something that would allow for more efficient use of the land and is supported by the Comprehensive Plan. It is the type of resubdivision that the Comprehensive Plan anticipates to occur within older acreage subdivisions.

Hunzeker suggested that the staff report seems a bit inconsistent on the change of zone in that it says it is consistent with Comprehensive Plan; is more efficient use of the land; and consistent with the surrounding area, but that it should be accompanied by a preliminary plat that says we are subject to R-1 densities. Hunzeker does not know where that comes from. It is not the intent of the owner nor the desire of the surrounding property owners to see this divided into lots of that size. The entire Country Meadows subdivision is one to two-acre lots. All of the lots in this subdivision are developed with fairly significant homes. It is very, very unlikely that there would be resubdivision of this area into 9,000 sq. ft. lots with 60' of frontage. The lots are mostly too deep to meet the subdivision requirements with 60' of frontage. He does not believe most of the people out there would be willing to give up any of their yards to do that and he does not believe they would be very happy to see that occur anywhere within Country Meadows.

Country Meadows has rural standard asphalt streets, which are not necessarily designed to accommodate urban density types of uses. "We've been through this in several other locations." This is the kind of project which is consistent with what exists and what is anticipated in the Comprehensive Plan.

Hunzeker noted that the staff is recommending approval of the waiver requests on the administrative final plat. He acknowledged that they do need to resolve a couple of issues with Public Works prior to City Council hearing. Those issues pertain to access to Pine Lake Road, which was relinquished in the Country Meadows subdivision. He believes they may be able to get access to this lot by paying for some portion of the upgrading of Pine Lake Road as it abuts the new

lot. This is the direction they have been headed and they need to work out the water service issues. Hunzeker requested that the Commission vote on both applications and forward them on to the City Council.

Carlson suggested putting the cul-de-sac on Ann's Court, even though it is on other people's property. Hunzeker believes there are two houses to the north of this lot that come off of Ann's Court, as opposed to one as shown on the aerial photo. He also believes it would be very difficult to convince the owners of those properties to give this owner some access.

There was no testimony in opposition.

### Staff questions

Carlson asked staff to respond to the access issue. Brian Will of Planning staff agreed that to be the issue and the staff report focuses on that issue in #3 of the Analysis. The issue isn't so much that we want to see how this property can be developed into 9,000 sq. ft. lots, although we think it would be a good idea. The real issue is how can this property be further subdivided and how can we provide access to it. This change of zone was accompanied by an administrative final plat to subdivide into two lots. Staff noted that access to Pine Lake Road had been relinquished and, during the course of staff review, staff was not willing to provide another driveway onto Pine Lake Road, which is an arterial. The discussion has been around the issue of how this property can be subdivided and provide access without another driveway on Pine Lake Road. The recommendation for deferral on the change of zone is because the issue of access needs to be resolved prior to approving the change of zone. Staff is not opposed to the further subdivision but needs to have the access issue resolved.

Carlson wondered whether staff has another solution. Will referred to #5 of the staff Analysis, which indicates that several potential options for providing access have been discussed among staff; however, the staff would not be able to respond on the applicant's behalf as far as feasibility of any of those options. The recommendation of deferral suggests that the staff be given the opportunity to work with the applicant on other options.

Schwinn referred to Country Meadows and Lee Summit to the north, which are AGR zoning and which have been annexed. Is they on city water? Will acknowledged that those properties are on city water. There is access to municipal services. Schwinn noted that there are a lot of driveways on the south side of Pine Lake Road.

### Response by the Applicant

Hunzeker stated that it is not as if the applicant hasn't had any discussion about the access issue. There are two potential ways to get to this property: 1) by taking a second driveway in off of 66<sup>th</sup> Street, which creates a very unsightly means of access as it relates to the existing house and a very, very long driveway--this is not desirable; or 2) the applicant has had conversations with Planning and Public Works about the possibility of regaining access to Pine Lake Road and it has been suggested that that would cost this owner the equivalent of one-half of a local street paving along the frontage of the new lot (which at this point in time the owner is prepared to discuss seriously, if not agree upon). Both that and the issue of water service can be worked out between now and the time this has to be dealt with by City Council. The rezoning of this site does not

require having those things worked out. Frankly, this rezoning plus the waivers of the design standards will facilitate having this finalized when we get to City Council. If we can't do that, this is going to have to sit for awhile. The alternative is for this to sit a very long time with the excess land ultimately being incorporated into property that goes to the corner of 70<sup>th</sup> and Pine Lake Road. The only thing between here and that corner is a very small church building which, given the development that is likely to occur in this area over the next several years, could very easily become assembled into something other than residential uses. We think this is a way to set this up for residential use for the foreseeable future, and if it is unable to be done, then it will just be a parcel with excess land that will ultimately become part of the corner parcel.

In response to questions posed by Schwinn, Hunzeker indicated that without the change of zone, the property cannot be subdivided.

Carlson believes that the access issue remains even if the Planning Commission approves the change of zone to R-1. Hunzeker concurred. The access was relinquished as part of the Country Meadows plat. The change of zone will not fix the access problem. Without the access issue being resolved to the satisfaction of the Planning Director, he is not going to approve the administrative plat.

Schwinn assumes that the Hannans go into this change of zone knowing that they may not get there. Hunzeker acknowledged this fact.

Public hearing was closed.

#### **CHANGE OF ZONE NO. 3385**

##### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

February 19, 2003

Bills-Strand moved to approve the change of zone from AGR to R-1, seconded by Duvall. Bills-Strand believes the details can be left to the City Council.

Carlson stated that he will support the motion because he is supporting the concept of subdividing the parcels. He agrees that the access needs to be worked out.

Motion for approval carried 6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent.

#### **WAIVER NO. 03000**

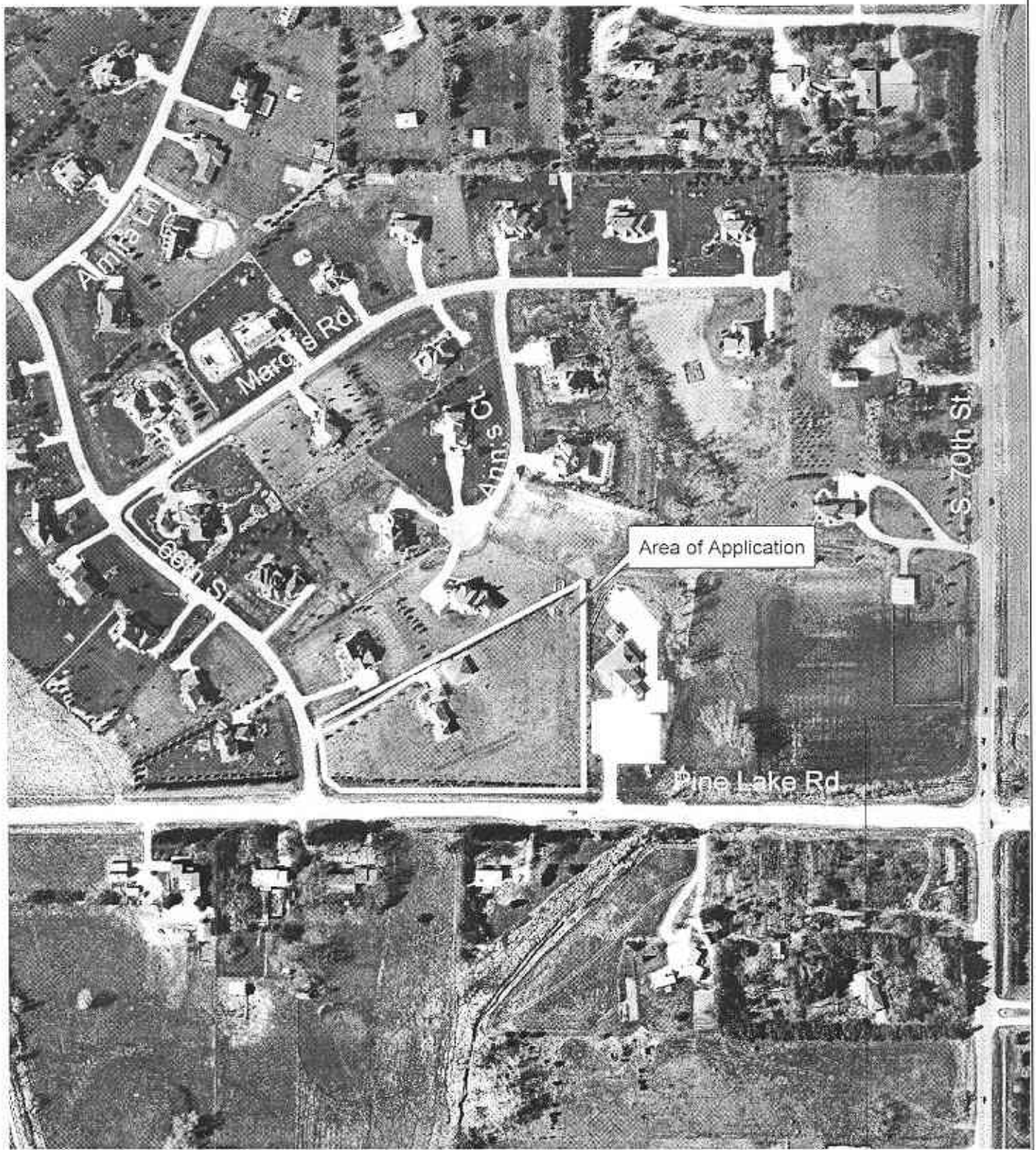
##### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

February 19, 2003

Duvall made a motion to approve, seconded by Bills-Strand.

Carlson noted that it is not a condition of approval, but it should be noted that the owner will agree to the creation of a sidewalk district in the future and he thinks this is appropriate. Schwinn believes the sidewalk district is part of the Pine Lake Road project.

Motion for approval carried 6-0: Newman, Carlson, Taylor, Bills-Strand, Duvall and Schwinn voting 'yes'; Krieser, Larson and Steward absent.

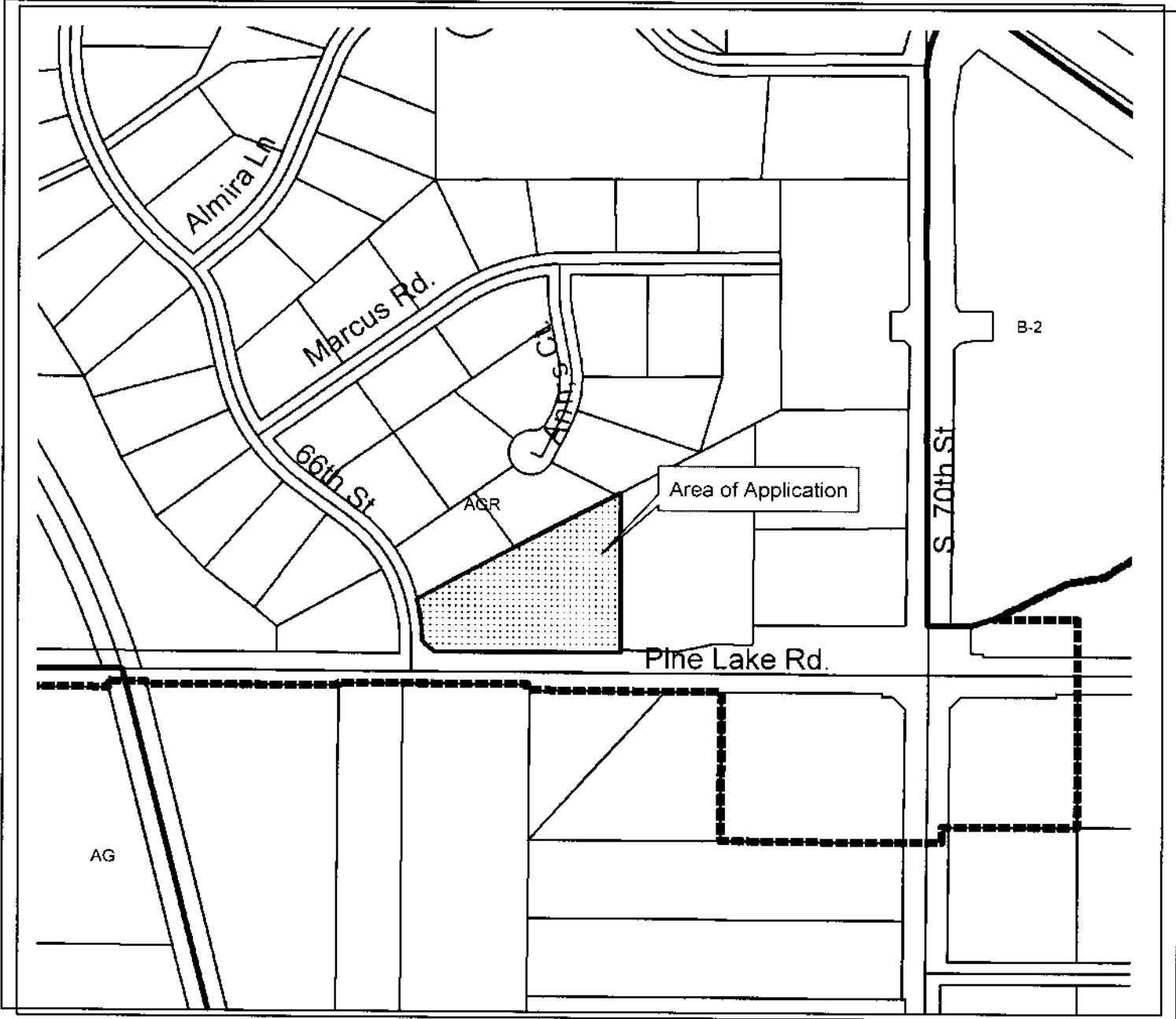


**Waiver #03000**  
**S. 66th & Pine Lake Rd.**



08



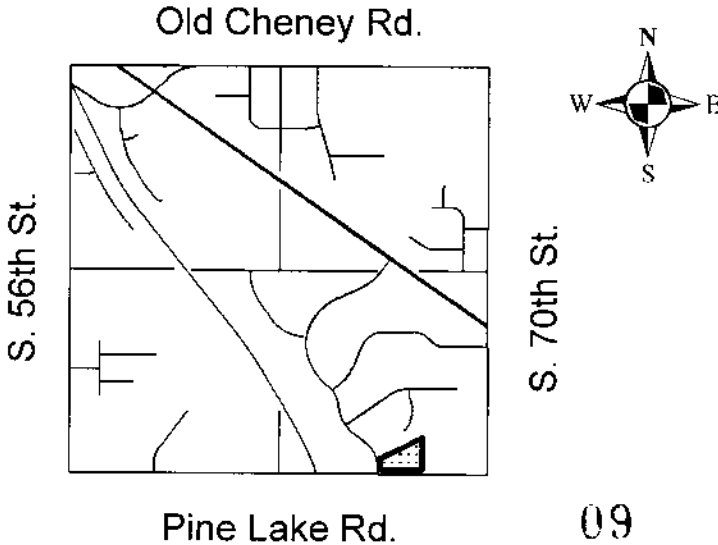
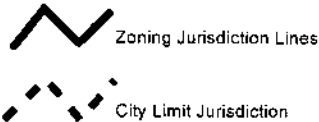


# **Waiver #03000** **S. 66th & Pine Lake Rd.**

## **Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

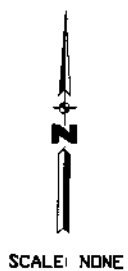
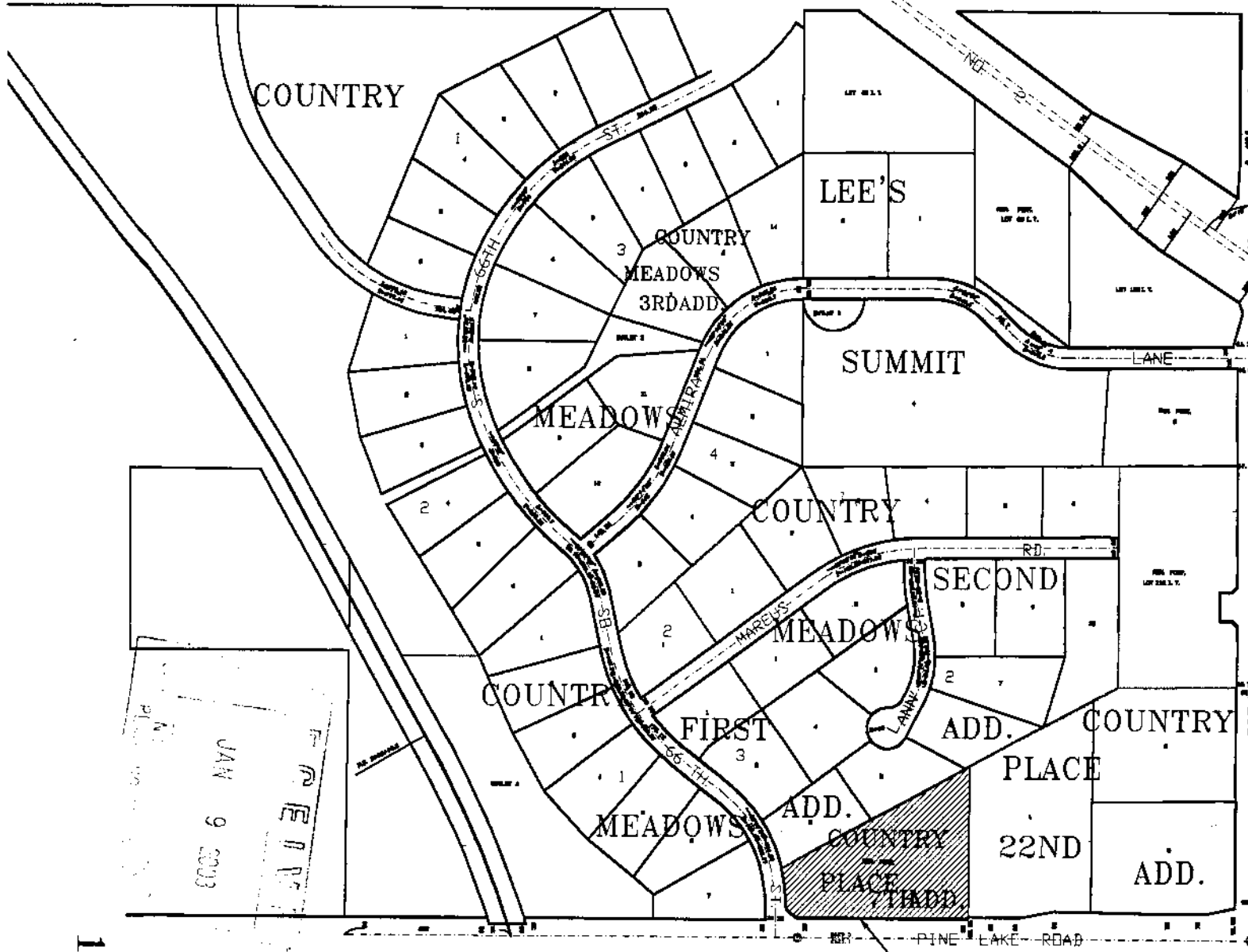
**One Square Mile**  
**Sec. 16 T9N R7E**



# HANNAN ADDITION

CHANGE OF ZONE EXHIBIT

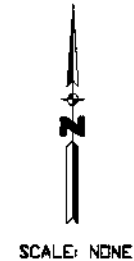
'AGR' TO 'R-1'

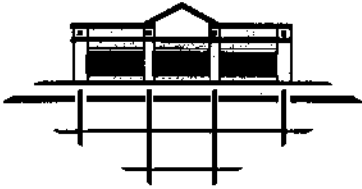


AREA OF  
CHANGE OF ZONE

# PLANT REPAIRMENT

523





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

January 9, 2003

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: WAIVER OF DESIGN STANDARDS- HANNAN ADDITION- AFP#02071  
WAIVER OF SIDEWALKS AND STREET TREES

Dear Marvin,

On behalf of Vic and Kathy Hannan, we are requesting the above mentioned waivers for the proposed Hannan Addition Final Plat located at South 66th and Pine Lake Road. We received your letter dated October 28, 2002 and would like to waive these items for the following reasons:

**Street Trees-**

There is an existing row of 6"- 10" diameter pine trees located just north of the existing right of way line of Pine Lake Road. These trees make a nice visual screen along Pine Lake Road. They are planted far enough away from the property line that they will probably remain when Pine Lake Road is improved.

Street trees were waived with the adjacent Country Meadows Subdivision. This final plat only subdivides an existing 3.56 acre parcel into a 2.0 acre and 1.56 acre lot. These lots are still larger than the lots in Country Meadows to the north and west. No other Street trees exist for at least 3/4 of a mile west of the site and none exist to the east.

Street trees can be waived when the lots are larger than one acre, however, this property is already annexed into the City of Lincoln

**Sidewalks-**

No sidewalks are installed along either side of Pine Lake Road for approximately 1 mile to the west. No sidewalks are installed anywhere east of the site. Placing sidewalks along the parcels is a waste of money at this time. The owners will agree to not oppose the creation of a sidewalk district in the future when sidewalks are finally needed in this location.

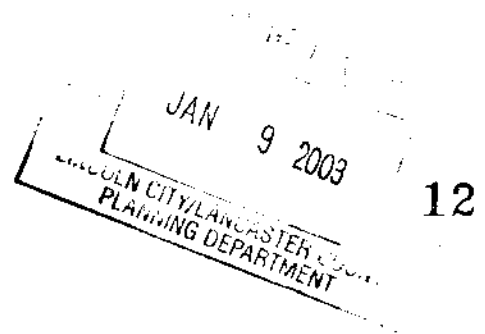
Please feel free to contact me if you have any further questions.

Sincerely,

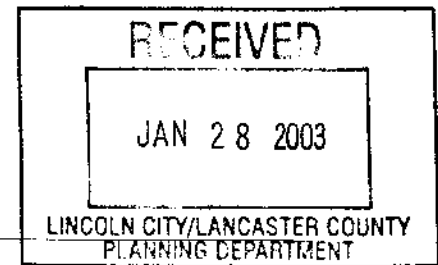
Brian D. Carstens

cc: Vic and Kathy Hannan  
Mark Hunzeker

Enclosures : City of Lincoln Zoning Application  
Site plan with existing trees along Pine Lake Road



# M e m o r a n d u m



**To:** Brian Will, Planning Department

**From:** Charles W. Baker, Public Works and Utilities *CB*

**Subject:** Waiver of Design Standards #03000, Hannan Addition

**Date:** January 27, 2003

**cc:** Randy Hoskins  
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the request for a waiver of the sidewalks along Pine Lake Road east of 66th Street for Hannan Addition. The owner agrees not to oppose the creation of a sidewalk district in the future and Public Works has no objection. The street tree waiver will have to be addressed by other departments.